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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS et al.,**

Defendants.

CIVIL CASE No. 99-00017

**CONSENT DECREE STATUS REPORT
[AMENDED]**

Judge: Hon. Ramona V. Manglona

Date:

Time:

COMES NOW the Defendants, the Commonwealth of the Northern Mariana Islands, the Governor of the Northern Mariana Islands, the Commissioner of the Department of Corrections,¹ and the Secretary of the Department of Community and Cultural Affairs (collectively, “the Commonwealth”), through undersigned counsel, and respectfully submits this report on the status of the Consent Decree.

1. On June 17, 2013, the parties appeared before the Court for a status hearing. At the status hearing the Court addressed two outstanding Consent Decree issues that the parties raised in their Joint Request for a Status Hearing: (1) continued medical care for inmates and detainees, and (2) the safety of juveniles who are detained at the Kagman Juvenile Detention

¹ The Commissioner of Corrections succeeded the Commissioner of Public Safety, the Secretary of Labor, and the Secretary of Community and Cultural Affairs as the official in charge of the detention facilities that are the subject of the Consent Decree.

1 Unit ("JDU"). *See* ECF No. 44.

2 2. The Department of Corrections ("DOC") relies on the Commonwealth Healthcare
3 Corporation ("CHC") to provide medical care for the inmates and detainees: a CHC nurse is
4 stationed at DOC on a full-time basis; a CHC physician provides medical care at DOC on a
5 weekly basis; and, if care cannot be provided at DOC, inmates and detainees are transported to
6 CHC for treatment. *See* Exhs. D, H.

7
8 On April 16, 2013, the local news reported that CHC would terminate services for DOC
9 if a new agreement providing for payment of services was not implemented. *See* Exh. A at 1. In
10 response, the Governor stated that funding would be set aside for DOC medical care. *See id.* at 2.
11 This funding is reflected in the Governor's Proposed Budget for Fiscal Year 2014 by a \$2
12 million appropriation to CHC, a portion of which is to be used to cover the costs of providing
13 medical services to DOC. *See* Exh. B at 9, 24.²

14
15 The Commissioner of DOC also contacted CHC to stress the importance of continued
16 medical services for inmates and detainees, and the need to honor the previous memoranda of
17 understanding between DOC and the Department of Public Health. *See* Exh. C at 1–3. The
18 interim Chief Executive Officer responded and assured the Commissioner that CHC would
19 continue to provide medical services to DOC. *See* Exh. C at 7.

20
21 3. Ensuring the safety of the minors detained at JDU is a priority for the
22 Commonwealth. The Commonwealth believes that this can be achieved through sound policy,
23 increased staffing and adequate training for staff, and the support of the community.

24 First, JDU has sound policies in place. Currently, there are JDU policies that address the
25 following: (1) requirement that a minimum of one female staff member be present at all times
26 when there is a female minor under JDU custody, (2) mandate that JDU staff report suspected
27

28 ² In the Governor's Proposed Budget, the line-item appropriation to CHC is referred to as "DPH Subsidy."

1 child abuse to Child Protective Services, (3) procedure for staff members to implement if a minor
2 detained at JDU is sexually assaulted, and (4) procedure through which a minor detained at JDU
3 can request to communicate with his or her probation officer, social worker, or attorney, or a
4 JDU supervisor. *See* Exh. E. These policies function to prevent abuse of minors and to ensure
5 that, in the event of abuse, such abuse is duly reported and addressed. The policies can be
6 updated as necessary to increase the safety of minors at JDU.
7

8 Second, JDU must be staffed with well-trained personnel. DOC is working to increase
9 staffing for JDU and is planning to open the DOC training academy to JDU staff. *See* Exh. F.
10 The Commonwealth will provide additional information on staffing and training as it becomes
11 available.
12

13 Third, the support of the community is a key component to promoting accountability and
14 safety. The Northern Marianas Protection and Advocacy Systems, Inc. (“NMPASI”), a non-
15 profit organization, makes regular visits to the minors detained at JDU. *See* Exh. G. NMPASI
16 provides the minors with information and education, and serves as another outlet for reporting
17 abuse or other improprieties. These visits provide another check for the safety of the minors at
18 JDU.
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